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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JACQUELYN ANN LE,

11 Plaintiff,

12 v.

13 OFFICER BAVA, et al.,

14 Defendants.

CASE NO. C15-1165JLR

ORDER OF DISMISSAL

15 **I. INTRODUCTION**

16 This matter comes before the court on the court's May 23, 2016, order to show
17 cause. (5/23/16 Order (Dkt. # 29) at 13-15.) On that date, the court for the second time
18 dismissed Plaintiff Jacquelyn Ann Le's complaint for failure to state a claim. (*Id.*; *see*
19 *also* 1/5/16 Order (Dkt. # 15) (dismissing Ms. Le's first amended complaint and granting
20 leave to amend).) However, the court deferred ruling on whether amendment of Ms. Le's
21 claims against Defendant Officer Bava would be futile and ordered Ms. Le to show cause
22 within 15 days why the court should not deny leave to amend. (5/23/16 Order at 14.)

1 Ms. Le's deadline to show cause has now passed, and Ms. Le has not responded. (*See*
2 Dkt.) The court concludes that further amendment of Ms. Le's claims against Officer
3 Bava would be futile, DENIES Ms. Le leave to amend those claims, and DISMISSES
4 Ms. Le's claims against Officer Bava WITH PREJUDICE.

5 **II. BACKGROUND AND DISCUSSION**

6 This is a case involving an alleged violation of 42 U.S.C. § 1983 during a traffic
7 stop in July 2014. (SAC (Dkt. # 16) at 1.) In its May 23, 2016, order, the court dismissed
8 with prejudice Ms. Le's claims against Defendants the City of Kent and Officer Nixon
9 and denied her further leave to amend those claims. (5/23/16 Order at 13.) The court
10 also concluded based on Ms. Le's prior failure to successfully amend her complaint that
11 further amendment would likely be futile as to her claims against Officer Bava. (*Id.* at
12 14.) However, because the factual allegations Ms. Le made in response to the court's
13 prior order of dismissal demonstrated some progress toward stating a claim against
14 Officer Bava, and in light of Ms. Le's *pro se* status, the court provided Ms. Le an
15 opportunity to "indicate what factual detail about Officer Bava's search incident to arrest
16 she would add to an amended complaint and how those allegations would allow the court
17 to plausibly infer that her constitutional rights were violated." (*Id.*) The court ordered
18 Ms. Le to show cause on that issue within 15 days of its order.

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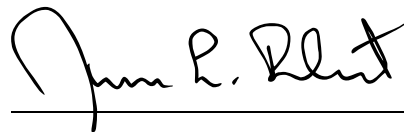
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More than 15 days have elapsed, and Ms. Le has failed to respond to the court's order to show cause.¹ (*See* Dkt.) The court warned Ms. Le that it would treat a failure to timely show cause "as an indication that amendment would be futile" and would accordingly "dismiss her claims against Officer Bava without leave to amend." (5/23/16 Order at 15.) Ms. Le has amended her complaint once as of right, amended her complaint again in response to an order of dismissal for failure to state a claim, and failed to show cause why further amendment would not be futile. The court therefore concludes that amendment of Ms. Le's complaint against Officer Bava would be futile and dismisses her claims against Officer Bava with prejudice.

III. CONCLUSION

The court DENIES Ms. Le leave to amend her complaint as to Officer Bava and DISMISSES her claims against Officer Bava WITH PREJUDICE.

Dated this 10th day of June, 2016.



JAMES L. ROBART
United States District Judge

¹ Although the court signed the order on May 20, 2016, that order was not posted to the court's Electronic Court Filing system and mailed to Ms. Le until May 23, 2016. (*See* 5/23/16 Order; Dkt.) Irrespective of which date is used to calculate Ms. Le's 15-day deadline, however, that deadline passed several days ago.